

CHAPTER 101  
SOLID WASTE COMPREHENSIVE PLANNING REQUIREMENTS

[Prior to 7/1/83, DEQ Ch 26]

[Prior to 12/3/86, Water, Air and Waste Management [900]]

**567—101.1(455B,455D) Purpose and applicability.**

**101.1(1) Purpose.** The purpose of these rules is to provide general definitions and direction for comprehensive integrated solid waste management planning for every city and county of this state and to provide an orderly and efficient process for the assessment and collection of fees for the disposal of solid waste at a sanitary landfill.

**101.1(2) Applicability.** This chapter is intended to implement Iowa Code sections 455B.306, subsection 1 through subsection 5, and subsection 6, paragraph “e,” 455B.301A and 455D.3.

**101.1(3) Authority.** Rescinded IAB 6/8/05, effective 7/13/05.

**567—101.2(455B,455D) Definitions.** For the purpose of this chapter, the following definitions shall apply:

“*Comprehensive plan*” means a course of action developed and established cooperatively between cities, counties and sanitary disposal projects regarding their chosen integrated solid waste management system, its participants, waste reduction strategies, and disposal methods.

“*Comprehensive plan amendment*” means a notification, filed between comprehensive plan updates, that the planning agency seeks to change the participation or change the designated disposal project(s) as set out in the most recent approved comprehensive plan submittal.

“*Comprehensive plan update*” means a planning document that provides status reports on the integrated solid waste management system and that describes revision to the information and evaluation of the integrated solid waste management system and the proposed course of action for the next two planning cycles.

“*Consumer price index*” means the measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. For the purpose of this chapter, consumer price index refers to All Urban Consumers (CPI-U), All Items, as published by the U.S. Bureau of Labor Statistics.

“*Contaminated soil*” means soil(s) that contains any harmful constituent in great enough concentration to harm human health.

“*Fiscal year*” means the state fiscal year from July 1 through June 30.

“*Initial comprehensive plan*” means a first or new comprehensive plan filed with the department of natural resources pursuant to the provisions of Iowa Code section 455B.306.

“*Integrated solid waste management*” means any solid waste management system which is focused on planned development of programs and facilities that reduce waste volume and toxicity, recycle marketable materials and provide for safe disposal of any residuals.

“*Monogenerator facility*” means any permitted facility that accepts waste(s) from a sole generator that is also the owner/operator of the facility.

“*Monowaste facility*” means any permitted facility with special permit provisions which limit the site to a single solid waste including, but not limited to, coal combustion residue, construction and demolition debris, cement kiln dust and foundry sand.

“*Planning agency*” means the designated contact agency on file with the department.

“*Planning area*” means the combined jurisdiction of the local governments and the designated sanitary disposal project(s) involved in a comprehensive plan. A planning area may include one or more sanitary disposal projects.

“*Planning cycle*” means the length of time between the due date for each comprehensive plan update submittal as approved by the department, which is the same frequency as sanitary disposal project permitting.

“*Plan participants*” means any individual, group, government or private entity that has direct involvement in an integrated solid waste management system.

“*Private agency*” means an individual or any form of business organization authorized under the laws of this or any other state.

“*Public agency*” means any political subdivision of this state, including Iowa Code chapter 28E agencies.

“*Sanitary disposal project*” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.

“*Service area*” means an area served by a specific sanitary disposal project defined in terms of the jurisdictions of the local governments using the facility. A planning area may include more than one service area.

“*Solid waste*” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials including, but not limited to, such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles as defined by Iowa Code section 321.1, subsection 90. However, division IV of Iowa Code chapter 455B does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal project. Solid waste does not include hazardous waste as defined in Iowa Code section 455B.411 or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979, or petroleum contaminated soil which has been remediated to acceptable state or federal standards.

**567—101.3(455B,455D) Waste management hierarchy.** The state’s waste management hierarchy is listed in descending order of preference:

1. Volume reduction at the source;
2. Recycling and reuse, including composting;
3. Other approved techniques of solid waste management including, but not limited to, combustion with energy recovery, combustion for waste disposal, and disposal in sanitary landfills.

**567—101.4(455B,455D) Duties of cities and counties.** Every city and county of this state shall, for the solid waste generated within the jurisdiction of its political subdivision, provide for the establishment and operation of an integrated solid waste management system consistent with the waste management hierarchy under rule 567—101.3(455B,455D) and designed to meet the state’s waste reduction and recycling goals. Integrated systems and sanitary disposal projects may be established separately or through cooperative efforts, including Iowa Code chapter 28E agreements as provided by law.

To meet these responsibilities, cities and counties may execute, with public and private agencies, contracts, leases, or other necessary instruments, purchase land and do all things necessary not prohibited by law for the implementation of waste management programs, collection of solid waste, establishment and operation of sanitary disposal projects, and general administration of the same.

If a city or county facility refuses any particular solid waste type for management or disposal, the city or county facility must identify another waste management facility for that waste within the planning area. In the case of special waste, if no other waste management facility for that waste type exists within the planning area, the city or county must, in cooperation with the waste generator, establish or arrange for access to another waste management facility. Sanitary disposal projects are required to maintain written approval from both the department and the planning area of origin in order to accept any Iowa-generated waste from outside the planning area.

All cities and counties or Iowa Code chapter 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of cities and counties shall demonstrate compliance with the provisions of this chapter by their participation in a comprehensive plan approved by the department.

**567—101.5(455B,455D) Contracts with permitted agencies.**

**101.5(1)** Every city, county, and other public agency which complies with the requirements of Iowa Code chapter 455B for the disposal of solid waste by means of a contract with an agency holding a sanitary disposal project permit or by means of a contract with a hauler that has a contract with an agency holding a sanitary disposal project permit shall submit to the department notification of that executed contract. All such agencies shall have on file at the department at all times a list of valid contracts. Notification of any renewal of the contract or any new or amended contract shall be submitted.

**101.5(2)** All public agencies which contract with a hauler to comply with the requirements of part 1 of division IV of Iowa Code chapter 455B shall include, as terms of that contract, a requirement that all solid waste collected by the hauler for that agency shall be disposed of or deposited at a sanitary disposal project designated within said agency's comprehensive plan in accordance with the rules of the department.

**567—101.6(455B,455D) State volume reduction and recycling goals.** The goal of the state is to reduce the amount of materials in the waste stream existing as of the July 1, 1988, baseline, 25 percent by July 1, 1994, and 50 percent by July 1, 2000, through the practice of waste volume reduction at the source and through recycling. The updated goal progress calculations provided by the department for each planning area shall be used by the department in reporting to the general assembly on the state's progress toward meeting the 25 and 50 percent goals. If at any time the department notifies the planning agency in writing that the planning area has failed to meet the 25 percent waste volume reduction and recycling goal, at a minimum, the solid waste management techniques listed in Iowa Code section 455D.3(4) and subrule 101.13(8) must be implemented throughout the planning area. The specific methodology for determining goal progress is outlined in rule 567—101.7(455B,455D).

**567—101.7(455B,455D) Base year adjustment method.** Using the base year adjustment method, the department will perform a goal progress calculation 12 months prior to the due date of the comprehensive plan update for each planning cycle. This goal progress calculation provided 12 months prior to the due date of the comprehensive plan update is for planning purposes only and is to be used to evaluate progress toward the state's waste volume reduction and recycling goals. Planning agencies may request that the department complete a goal progress recalculation once per fiscal year to resolve any discrepancies and to further evaluate progress toward the state's waste volume reduction and recycling goals. At the time of approval of a comprehensive plan or comprehensive plan update, the department will use the most current complete fiscal year data set available to complete goal progress calculations, which will be used to meet the requirements outlined in subrule 101.13(8) and rule 567—101.14(455B,455D).

**101.7(1)** The base year adjustment method (see Formula 1) controls for population, employment, and taxable sales to more accurately determine progress toward the state's waste volume reduction and recycling goals. Factors included within the base year adjustment method include:

- a. Base year residential waste disposal tonnage – (A).
- b. Base year commercial waste disposal tonnage – (B).
- c. Base year population data (U.S. Bureau of the Census) - (C).
- d. Base year employment data - total nonfarm (Iowa Department of Workforce Development) - (D).
- e. Base year taxable sales data (Iowa Department of Revenue) - (E).
- f. Base year consumer price index - (F).
- g. Most current complete fiscal year data set available for waste disposal tonnage - (G).
- h. Most current complete fiscal year data set available for population (U.S. Bureau of the Census) - (H).
- i. Most current complete fiscal year data set available for employment - total nonfarm (Iowa Department of Workforce Development) - (I).
- j. Most current complete fiscal year data set available for taxable sales (Iowa Department of Revenue) - (J).
- k. Most current complete fiscal year data set available for consumer price index - (K).

## Formula I

$$100\% - \left[ \frac{G}{A \left[ \frac{H}{C} + \frac{\left[ \frac{I}{D} + \frac{J}{E} \right] \frac{F}{K}}{2} \right] + B \left[ \frac{I}{D} + \frac{\left[ \frac{J}{E} \right] \frac{F}{K}}{2} \right]} \right] \times 100\%$$

**101.7(2)** Planning agencies must document the amount of waste disposed of in both the base year and the most current fiscal year where a complete data set is available. If no changes have occurred within the planning area that would affect the base year, then only data for the most current fiscal year for which a complete data set is available need to be presented in the comprehensive plan update, since information on each planning area's base year tonnage is presented in prior comprehensive plan submittals. Tonnage data sources that each planning agency must identify include, but are not limited to:

- a. Landfill(s) within the planning area and its respective service area(s).
- b. Transfer station(s) or hauler(s) transporting waste into or out of the planning area for final disposal.
- c. Incineration with or without energy recovery of waste within the planning area.
- d. Allowable base year adjustment method exemptions, including exceptional events, waste originating from out of state, and solid waste generated outside the planning area.

**101.7(3)** Waste generated as part of an exceptional event should not negatively affect a planning area's goal progress calculation.

- a. Exceptional events include, but are not limited to, such unforeseen disasters as storms, fires, floods, tornadoes, or train wrecks. Exceptional events do not include economic development, derelict housing removal, or other planned activities/demolitions. Written requests to exempt exceptional event debris from goal progress calculations shall be made to the department on the required Quarterly Solid Waste Fee Schedule and Retained Fees Report, DNR Form 542-3276.

Requests for goal progress calculation exemptions must be made within six months after initial disposal of the debris. The determination to exempt exceptional event debris from goal progress calculations shall be made solely by the department and shall not be made independently by individual sanitary disposal projects or planning agencies. Sanitary disposal projects required to remit tonnage fees shall continue to pay solid waste tonnage fees until written notification of fee exemption is received, at which time any applicable fee credit shall be granted by the department. Upon review of the request, the department will notify the sanitary disposal project and planning agency of the determination in writing or request further documentation.

- (1) Exemption requests shall, at a minimum, include:
  1. Date(s) of duration of the exceptional event.
  2. Type of event (i.e., flood, tornado, combination thereof).
  3. Description of affected area(s), including approximate number of buildings and addresses, if available.
  4. Type(s) of waste to be exempted.
  5. Actual tonnage of debris disposed of during the quarter.
  6. Preliminary estimate of the total tonnage to be exempted (i.e., tons already disposed of and potential tons to be disposed of in future quarters).
- (2) Additional documentation to verify the exceptional event and the debris it generated may be requested by the department. Failure to submit requested documentation may result in denial of the goal progress calculation or solid waste tonnage fee exemption request(s), including any fee credits authorized by the department. Documentation may include:
  1. Protocol used by the sanitary disposal project staff for determining which waste(s) coming into the facility was attributed to the exceptional event.

2. Summary of existing policies to divert storm debris from disposal, as well as the amount of waste(s) diverted.

3. Copies of scale tickets and summary report of scale tickets.

4. Federal Emergency Management Agency (FEMA) reports, if any.

5. Newspaper articles or pictures of affected areas.

6. Supporting documentation indicating estimated remaining tonnage expected as a result of the exceptional event (i.e., supporting documentation from local insurance companies or municipal building inspectors).

7. Contact information for the person(s) responsible for compiling the exceptional event report(s).

b. If the governor of the state of Iowa declares a city or county a disaster area as a result of an exceptional event, the sanitary disposal project or planning agency may request that the debris be exempt from solid waste tonnage fees. A request to waive tonnage fees must be submitted in writing on the facility's or planning agency's letterhead prior to or in the same submittal as the Quarterly Solid Waste Fee Schedule and Retained Fees Report, DNR Form 542-3276. Requests to waive tonnage fees, as provided for in this rule, must be made within 6 months after the initial disposal of the debris. A copy of the proclamation of disaster emergency declared by the governor of the state of Iowa is required in order for approval of tonnage fee exemptions. Any continuing documentation shall be submitted with each Quarterly Solid Waste Fee Schedule and Retained Fees Report, DNR Form 542-3276, within the length of time authorized by the department. Solid waste disposed of outside the window of time authorized by the department shall not be eligible for exemption. To be eligible for an exemption, all exceptional event waste must be disposed of within the following time lines:

(1) For debris clearance and emergency protective measures, as defined by FEMA guidelines, 6 months from the end of the exceptional event.

(2) For permanent repair work, as defined by FEMA guidelines, 18 months from the end of the exceptional event.

Upon written request, with supporting rationale, extensions to these time lines may be granted solely by the department on a case-by-case basis.

c. Contaminated soils removed as part of a brownfield or contaminated site cleanup should not negatively affect a planning area's goal progress calculation. If the contaminated soil is to be disposed of in a sanitary disposal project, the sanitary disposal project or planning agency must request the goal progress exemption in writing, in accordance with the procedures outlined in this rule. Written requests to exempt contaminated soil from goal progress calculations shall be made to the department on the Quarterly Solid Waste Fee Schedule and Retained Fees Report, DNR Form 542-3276. Requests for goal progress exemptions must be made within 6 months after initial disposal of the contaminated soil.

The determination to exempt contaminated soil from goal progress calculations shall be made solely by the department and shall not be made independently by individual sanitary disposal projects or planning agencies. The department shall notify the sanitary disposal project or planning agency in writing of the determination or shall request further clarification to make an exemption decision. Failure to submit additional information requested by the department regarding the request to exempt contaminated soil may result in a denial of the goal progress calculation exemption request. Contaminated soil occurrences not eligible for goal progress exemption include, but are not limited to, illegal municipal solid waste disposal sites and contaminated soils formed for the sole purpose of requesting goal progress exemption. Exemption requests shall include, at a minimum, the following:

(1) Contact information of the primary and any other government agency overseeing or involved with site cleanup.

(2) Address of the brownfield or contaminated site.

(3) Date(s) when the site was believed to have been contaminated, if known.

(4) Type of operation and owners of the operation that led to the contamination, if known.

(5) Constituents of concern present in the soil.

(6) Types of miscellaneous waste mixed with the soil, if any.

(7) Appropriate testing for identified contaminants of the contaminated soil.

(8) Actual tonnage of contaminated soil disposed of during the quarter.

(9) Preliminary estimate of the total tonnage to be exempted (i.e., tons of contaminated soil already disposed of and potential tons to be disposed of in future quarters).

(10) Narrative justification to explain why disposal in a sanitary disposal project is the best site cleanup methodology.

**567—101.8(455B,455D) Submittal of initial comprehensive plans and comprehensive plan updates.** Initial comprehensive plans and comprehensive plan updates filed with the department must include a signed electronic submission certificate, which can be printed once all online forms have been submitted to the department for review. When hard-copy portions of the initial comprehensive plan or comprehensive plan update are submitted to the department, an original and two copies are necessary. Initial comprehensive plans and comprehensive plan updates are required to be double-sided and cannot be submitted in three-ring binders. Comprehensive plan updates shall be submitted in accordance with the schedule, as provided by the department 12 months prior to the due date of the first comprehensive plan update for each planning cycle. Planning agencies are not required to submit hard copies of the online forms for comprehensive plan update.

**567—101.9(455B,455D) Review of initial comprehensive plans and comprehensive plan updates.** Initial comprehensive plans and comprehensive plan updates submitted in accordance with rule 567—101.13(455B,455D) shall be reviewed by the department for compliance with this chapter. The director may reject, suggest modification of, or approve a comprehensive plan based upon the criteria outlined in rule 567—101.13(455B,455D).

**567—101.10(455B,455D) Municipal solid waste and recycling survey.** During each planning cycle, local governments are required to complete and submit the Municipal Solid Waste and Recycling Survey, DNR Form 542-8134. The department will not provide access to the comprehensive planning online database, described further in rule 567—101.11(455B,455D), until the department receives copies of all completed Municipal Solid Waste and Recycling Survey forms from the planning area. The department will contact each planning agency 12 months prior to the due date of the comprehensive plan update to determine the planning agency's preferred Municipal Solid Waste and Recycling Survey option. To facilitate the completion, submittal, and data input of the Municipal Solid Waste and Recycling Survey form, the methodology as set forth in one of the following subrules shall be used:

**101.10(1)** The department shall distribute the Municipal Solid Waste and Recycling Survey forms to the planning area's member communities. The department will input the data into the online database after receiving all completed Municipal Solid Waste and Recycling Survey forms from a planning agency. Once all data is inputted into the online database, the department will, upon request, provide copies of the completed Municipal Solid Waste and Recycling Survey forms to the planning agency.

**101.10(2)** The department shall distribute the Municipal Solid Waste and Recycling Survey forms to the planning area's member communities. The planning agency will receive and input the data into the online database.

**101.10(3)** The planning agency shall distribute the Municipal Solid Waste and Recycling Survey forms to its member communities. The planning agency will receive and input the data into the online database.

**101.10(4)** The planning agency shall distribute the Municipal Solid Waste and Recycling Survey forms to its member communities. The department will input the data into the online database after receiving all completed Municipal Solid Waste and Recycling Survey forms. Once all data is inputted into the online database, the department will, upon request, provide copies of the completed Municipal Solid Waste and Recycling Survey forms to the planning agency.

**567—101.11(455B,455D) Online database.** In accordance with rule 567—101.10(455B,455D), the following comprehensive plan data must be completed and inputted into the online database developed by the department. This database may be accessed, with the proper credentials, via the department's

Web site. The following online forms must be completed prior to comprehensive plan approval by the department:

- Choose a City, DNR Form 542-8136.
- Recycling and Waste Collection, DNR Form 542-8137.
- Recycling and Waste Haulers, DNR Form 542-8138.
- Diverted Materials Collection, DNR Form 542-8139.
- Commercial Recycling, DNR Form 542-8140.
- Residential Recycling Program, DNR Form 542-8141.
- Yard Waste Management Programs, DNR Form 542-8142.
- Drop-off Recycling Sites, DNR Form 542-8143.
- Yard Waste Management Sites, DNR Form 542-8144.
- Board Members, DNR Form 542-8145.
- Boards, DNR Form 542-8146.
- Permitted Facilities, DNR Form 542-8147.
- Contacts, DNR Form 542-8148.
- Planning Area Description, DNR Form 542-8149.

**567—101.12(455B,455D) Solid waste comprehensive plan categories.** Public or private entities operating or planning to operate a sanitary disposal project in Iowa, in conjunction with all local governments using the sanitary disposal project, shall file with the director one of two categories of comprehensive plans detailing the method by which the public or private entity, in conjunction with all local governments using the sanitary disposal project, will comply with solid waste comprehensive planning requirements. The first category is a comprehensive plan in which municipal solid waste is disposed of in a sanitary landfill within the planning area. The second category is a comprehensive plan in which all municipal solid waste is consolidated at and transported from a permitted transfer station for disposal at a sanitary landfill in another comprehensive planning area.

**101.12(1)** A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses to use a municipal solid waste sanitary landfill in another planning area that complies with all requirements under Subtitle D of the federal Resource Conservation and Recovery Act, with all solid waste generated within the planning area being consolidated at and transported from a permitted transfer station, may elect to retain autonomy as a planning area and shall not be required to join the planning area where the landfill being used for final disposal of solid waste is located.

**101.12(2)** If a planning area makes the election to retain autonomy under subrule 101.12(1), the planning area receiving the solid waste from the planning area making the election shall not be required to include the planning area making the election in a comprehensive plan provided no services are shared between the two planning areas other than the acceptance of solid waste for sanitary landfill disposal. The planning area receiving the solid waste shall only be responsible for the permitting, planning, and waste reduction and diversion programs in the planning area receiving the solid waste.

**101.12(3)** If the department determines that solid waste cannot reasonably be consolidated and transported from a particular transfer station (e.g., asbestos or bulky construction and demolition waste), the department may establish permit conditions to address the transport and disposal of the solid waste. An election may be made under this subrule only if the two comprehensive planning areas enter into an agreement, pursuant to Iowa Code chapter 28E, that includes, at a minimum, all of the following:

- a. A detailed methodology of the manner in which solid waste will be tracked and reported between the two planning areas.
- b. A detailed methodology of the manner in which the receiving sanitary landfill will collect, remit, and report tonnage fees, pursuant to Iowa Code section 455B.310, paid by the planning area that is transporting the solid waste. The methodology shall include both the remittances of tonnage fees to the state and the retained tonnage fees.

**567—101.13(455B,455D) Types of comprehensive plan submittals to be filed.** There are three types of comprehensive plan submittals: initial, updates, and amendments. The purpose of these types of

comprehensive plans is the development of a specific plan and schedule for implementing technically and economically feasible solid waste management methods that will prevent or minimize any adverse environmental impact and meet the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D).

Cities and counties planning to use a sanitary disposal project in Iowa must participate in a comprehensive plan with all other cities and counties using that sanitary disposal project. Cities and counties planning to use an out-of-state disposal facility(ies) must file a comprehensive plan that identifies the out-of-state facility(ies) used. Cities or counties using an out-of-state disposal facility(ies) are still required to meet all comprehensive plan submittal requirements.

If it is demonstrated to the department that any of the provisions outlined in paragraphs “1” through “3” below will not impact the planning area significantly, then the department may consider accepting a comprehensive plan amendment. This chapter also provides the comprehensive planning requirements that apply to composting, recycling, processing, monowaste, monogenerator, transfer station, and medical waste incineration facilities. If during the planning cycle a change occurs to an existing planning area, the submission of an initial comprehensive plan may be required. An initial comprehensive plan is needed if:

1. A new planning area is established.
2. A change increases or decreases the population or the disposal tonnage of the planning area by more than 30 percent.
3. The solid waste disposal method has changed or a new method has been initiated, including siting of a new municipal solid waste landfill or municipal solid waste incinerator.

**101.13(1)** *Content of an initial comprehensive plan.* In fulfillment of the requirements of Iowa Code section 455B.301A and Iowa Code chapter 455D, an initial comprehensive plan shall include the following information:

*a.* A description of the planning area and the public and private agencies involved in the integrated solid waste management system, including a description of each agency's role in managing solid waste generated in the area.

*b.* A resolution or resolutions from all local governments or 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of local governments, and letters of cooperation from private sanitary disposal projects participating in the comprehensive plan. The resolution(s) shall include a statement that the comprehensive plan participants have reviewed the initial comprehensive plan and will adopt the implementation schedule contained within the initial comprehensive plan. Letters of cooperation from private agencies shall include a statement that the private agencies have reviewed the comprehensive plan and support the waste volume reduction and recycling efforts outlined therein. The letter of cooperation shall briefly summarize the implementation schedule. If a local government included in the planning area refuses to provide a resolution, then that local government must prepare its own comprehensive plan and is no longer considered to be in the original planning area. In such cases, the original comprehensive plan may still be approved if it includes a brief addendum stating the effect of the change on the waste stream, but the sanitary disposal project(s) in the planning area may no longer accept waste from the local government that has withdrawn from the comprehensive plan. Private sanitary disposal projects failing to provide letters of cooperation will be unable to receive a permit or permit renewal. If a city, county, or other public agency complies with comprehensive planning requirements by means of a contract(s) with an agency holding a sanitary disposal project permit or with a hauler(s) that has a contract(s) with an agency holding a sanitary disposal project permit, a list of those contracts shall be submitted as provided in rule 567—101.5(455B,455D).

*c.* A detailed description of public participation, including:

- (1) Details of ongoing strategies to provide the public with opportunities to provide input.
- (2) A list of all public hearings or meetings that were held in conjunction with the development of the initial comprehensive plan and the methods used to publicize public meetings on the initial comprehensive plan.

(3) An account of opportunities for the public to comment on the initial comprehensive plan and minutes from any meetings regarding initial comprehensive plan development.

(4) Proof that a minimum of two public meetings were held during the development of the initial comprehensive plan. The first meeting shall inform the public of the initial comprehensive plan development process, while the second meeting shall provide the public with an opportunity for review and comment on the initial comprehensive plan.

*d.* A description of past local and regional planning activities.

*e.* A report of the base year waste stream in total tons per year. Progress toward meeting the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D) shall be demonstrated through methods described in this chapter.

*f.* A description of population, employment, and industrial production as of the planning area's base year waste stream.

*g.* A description of the current waste composition and waste generation rates and a projection of waste composition and waste generation rates spanning two planning cycles. This description should include the effects of anticipated planning area modifications on waste generation and composition in the future. These factors may include economic changes, population changes, loss or addition of communities to the planning area, and any other modification expected to affect the amount of waste generated.

*h.* A description of the current integrated solid waste management system that contains a specific methodology for meeting the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D). This description shall include:

(1) Details of strategies and educational efforts designed to:

1. Increase public awareness about proper recycling and disposal options for motor oil and lead-acid batteries.

2. Encourage residents of the planning area to dispose of household appliances properly.

3. Encourage tire stewardship and proper tire recycling and disposal.

4. Encourage backyard composting and proper management of yard waste.

5. Encourage residents of the planning area to properly manage household hazardous waste.

(2) A list of collectors/recyclers used by the permitted sanitary disposal project(s) for the proper management of tires or household appliances.

(3) A detailed narrative of all other existing waste management programs in the planning area that addresses all components of the state's waste management hierarchy. This narrative must include specific methodologies for the separation of glass, paper, plastic and metal. For each specific waste management program, the following shall be included:

1. Program description.

2. Responsibility for program oversight.

3. Funding source(s).

4. Public education strategies employed.

5. Targeted audiences (business and industry, urban residents, rural residents, local governments, and public institutions).

6. The anticipated impact on the waste stream and diversion over at least two planning cycles.

(4) A discussion of the strengths and weaknesses of existing programs, efforts and strategies in the current integrated solid waste management system.

(5) An evaluation of the planning area's progress toward meeting the state's waste volume reduction and recycling goals. This evaluation shall address the goal progress calculation that was most recently provided in writing by the department. The department, upon written notification of intent to submit an initial comprehensive plan, will, within 30 days after receipt of notification, perform a goal progress calculation using the most current complete fiscal year data set available.

*i.* An assessment of alternative waste management systems, programs and strategies that addresses each of the following tiers of the state's waste management hierarchy:

(1) Source reduction options including, but not limited to, backyard composting and management of household hazardous waste.

- (2) Recycling and reuse options.
- (3) Combustion options with or without energy recovery. Any programs using incineration, with or without energy recovery, must include methodologies for prior removal of recyclable and reusable material, material that will result in uncontrolled toxic or hazardous air emissions when burned, and hazardous or toxic materials which are not rendered nonhazardous or nontoxic by incineration.
- (4) Use of other existing or planned sanitary landfills or transfer stations.

*j.* If construction of a new or purchase of an existing sanitary disposal project is considered or proposed, an initial comprehensive plan shall include:

- (1) A summary of established and anticipated regulatory requirements regarding future siting, operation, closure and postclosure of each facility.

- (2) A financial plan detailing the actual cost of the sanitary disposal project, including the funding sources of the project, and a description that spans two planning cycles of the methods of financing. The financial plan shall address:

1. Initial capital expenditures, including land acquisition, if applicable.
2. Local approval costs, including legal, engineering, and administrative fees.
3. Long-term costs, operations, closure and postclosure.
4. A mechanism to fund closure and postclosure costs.
5. Projected annual revenues.

- (3) A description of expected environmental impacts from the construction of a new or purchase of an existing sanitary disposal project.

<sup>1</sup>(4) Rescinded IAB 7/4/07, effective 10/1/07.

*k.* A specific plan and schedule spanning two planning cycles for implementing the initial comprehensive plan. Items that shall be addressed include:

- (1) Proposed activities and locations.
- (2) Responsible organization(s).
- (3) Implementation milestones.
- (4) Public education strategies.
- (5) Anticipated impact on the waste stream and diversion.

**101.13(2)** *Comprehensive plan updates: for permitted municipal solid waste landfills, construction and demolition waste disposal sites, and transfer stations.* The department shall notify a planning agency of the due dates of the comprehensive plan update submittal a minimum of 12 months prior to the beginning of the planning cycle. In fulfillment of the requirements of Iowa Code section 455B.301A and Iowa Code chapter 455D, a comprehensive plan update shall include the following information:

*a.* A narrative that describes any permanent change in the planning area that has resulted in change in the waste stream, if applicable. An amendment to the comprehensive plan update is required prior to the facility's receiving waste on an ongoing basis from outside the delineated planning area.

*b.* A resolution or resolutions from all local governments or 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of local governments, and letters of cooperation from private sanitary disposal projects participating in the comprehensive plan update. The resolution(s) shall include a statement that the comprehensive plan participants have reviewed the comprehensive plan update and will adopt the implementation schedule contained in the comprehensive plan update. Letters of cooperation from private agencies shall include a statement that they have reviewed the comprehensive plan update and support the waste reduction and recycling efforts outlined therein. The letter of cooperation shall briefly summarize the implementation schedule. If a local government included in the planning area refuses to provide a resolution, then that local government must prepare its own comprehensive plan and is no longer considered to be in the original planning area. In such cases, the original comprehensive plan update may still be approved if it includes a brief addendum stating the effect of the change on the waste stream, but the sanitary disposal project(s) in the planning area may no longer accept waste from the local government that has withdrawn from the comprehensive plan. Private sanitary disposal projects failing to provide letters of cooperation will be unable to receive a permit or permit renewal. If a city, county, or other public agency complies with comprehensive planning requirements by means

of a contract(s) with an agency holding a sanitary disposal project permit or with a hauler(s) that has a contract(s) with an agency holding a sanitary disposal project permit, a list of those contracts shall be submitted as provided in rule 567—101.5(455B,455D).

*c.* A description of public participation, including:

(1) A summary of ongoing strategies to provide the public with opportunities to provide input.

(2) A list of all public hearings or meetings that were held in conjunction with the development of the comprehensive plan update and the methods used to publicize public meetings.

(3) Proof that a minimum of two public meetings were held during the development of the comprehensive plan update. The first meeting shall inform the public of the comprehensive plan update development process, while the second meeting shall provide the public with an opportunity for review and comment on the comprehensive plan update.

(4) An account of opportunities for the public to comment on the comprehensive plan update and minutes from any meetings regarding comprehensive plan update development.

*d.* A report of the base year waste stream in total tons per year. This base year data and landfill tonnage information for the most current completed fiscal year data set available will be used to demonstrate progress toward meeting the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D) through methods described in this chapter.

*e.* A description of changes in population, employment, and industrial production since the last approved comprehensive plan or comprehensive plan update.

*f.* A description of current waste composition and waste generation rates, including:

(1) Changes since the last approved comprehensive plan or comprehensive plan update.

(2) The effects of anticipated planning area modifications on waste generation and composition in the future. These factors may include economic changes, population changes, loss or addition of communities to the planning area and any other modification expected to affect the amount of waste generated.

*g.* A discussion of changes to the integrated solid waste management system since the last approved comprehensive plan or comprehensive plan update, including:

(1) New and evolving strategies, efforts, and programs implemented within the planning area to:

1. Increase public awareness about proper recycling and disposal options for motor oil and lead-acid batteries.

2. Encourage residents of the planning area to dispose of household appliances properly.

3. Encourage tire stewardship and proper tire recycling and disposal.

4. Encourage backyard composting and proper management of yard waste.

5. Encourage residents of the planning area to properly manage household hazardous waste.

6. Provide for the separation of glass, paper, plastic and metal.

(2) A list of collectors/recyclers used by the permitted sanitary disposal project(s) for the proper management of tires or household appliances.

(3) A detailed narrative of all waste management programs implemented since the last approved comprehensive plan or comprehensive plan update that addresses all components of the state's waste management hierarchy. For each specific waste management program implemented since the last approved comprehensive plan or comprehensive plan update, the following shall be included:

1. Program description.

2. Responsibility for program oversight.

3. Public education strategies employed.

4. Targeted audiences (business and industry, urban residents, rural residents, local governments, and public institutions).

5. The anticipated impact on the waste stream and diversion over at least two planning cycles.

*h.* An evaluation of progress toward meeting the state's waste volume reduction and recycling goals using the goal progress calculation provided by the department 12 months prior to the due date of the comprehensive plan update. This analysis may use any combination of the following methodologies:

(1) Trend analysis of goal progress since the initial comprehensive plan.

(2) Formal, stakeholder-based collaborative goal-setting process leading to development of long-range integrated solid waste management system goals. The process shall include development of detailed objective-based strategies to achieve the desired goals. If programs have been implemented since the establishment of the goals, the comprehensive plan update shall include analysis of their impact on the long-range goals.

(3) An analysis of the effectiveness or benefit of existing programs, individually and in aggregate, including a discussion of opportunities and need for improvement, modification or expansion.

*i.* Analysis of the impact of alternative solid waste management methods not currently employed, but being considered within the planning area.

*j.* A specific plan and schedule spanning two planning cycles for implementing the comprehensive plan. Items that shall be addressed include:

- (1) Proposed activities and locations.
- (2) Responsible organization(s).
- (3) Implementation milestones.
- (4) Public education strategies.
- (5) Anticipated impact on the waste stream and diversion.

**101.13(3)** *Transfer stations and construction and demolition waste disposal sites.* If a transfer station or a construction and demolition waste disposal site as defined in 567—Chapter 100 is not part of an existing comprehensive plan, then each facility must submit its own comprehensive plan. A transfer station that takes solid waste generated within Iowa and transports all of it out of state for disposal shall meet the comprehensive planning requirements by filing an operational plan with the department in accordance with 567—paragraph 106.8(1) “k” and by submitting quarterly reports to the department in accordance with rule 567—106.14(455B,455D).

**101.13(4)** *Comprehensive plan updates for permitted monowaste facilities.* If monowaste facilities are not part of an existing comprehensive plan, they must submit their own comprehensive plan. Comprehensive plan updates for these facilities shall include:

*a.* Service area descriptions. These descriptions shall include:

(1) Information about where the landfilled waste(s) is generated, including information about each facility using the landfill, and a description of what waste(s) is being landfilled from each facility. This information and description shall:

1. Provide an explanation of the process(es) in which the waste(s) is generated.
2. Describe why the current management method was chosen.

(2) An evaluation of the environmental impact of this management method.

(3) If the landfill accepts waste(s) from more than one company, letters of cooperation from each company are required. These letters of cooperation express the company’s willingness to work toward the waste reduction and recycling goals outlined in the comprehensive plan.

*b.* A description of all waste(s) managed by the permitted facility, including:

- (1) Landfilled waste at the permitted facility, which includes:
  1. Annual tonnage of each type of waste based upon the fiscal year; and
  2. Current waste composition. A breakdown by percentage of all waste(s) shall be included.
- (2) The amount of waste reused and recycled.
- (3) Projected tonnage spanning two planning cycles. This projection shall include supporting information and any assumptions used in the projections.

(4) Projected waste composition spanning two planning cycles. This projection shall include supporting information and any assumptions used in the projections.

(5) Units-of-production for the current fiscal year to normalize waste generation for changes in production in order to evaluate progress toward meeting the state’s solid waste volume reduction and recycling goals.

*c.* Base year tonnage information (the later of fiscal year 1988 tonnage landfilled or first year in operation), including:

(1) Only the waste(s) that is landfilled in the permitted monowaste facility and not all waste(s) generated.

- (2) Units-of-production for the base year.
- d. Alternatives analysis, which shall:
  - (1) Include details of how the waste(s) is recycled or reused.
  - (2) Describe the alternatives or other options that were explored or considered for each type of waste landfilled. If alternatives are not feasible at this time, information explaining why the alternatives are not feasible shall be provided.
  - (3) Indicate the opportunities that exist for source reduction of waste(s).
  - (4) Indicate the opportunities that exist for recycling.
  - (5) Indicate the opportunities that exist for reuse of the waste(s).
- e. A report on other waste(s) managed at the facility, including but not limited to:
  - (1) A description of how other waste(s) is managed, including final disposal.
  - (2) A description of recycling programs employed.
- f. Implementation time line spanning two planning cycles, which shall:
  - (1) Outline plans for increasing recycling/reuse of waste or decreasing the amount landfilled.
  - (2) Include planned activities spanning two planning cycles. Long-term projects should indicate milestones throughout the time span.

**101.13(5) Comprehensive plan updates for permitted monogenerator facilities.** If a monogenerator facility is not part of an existing comprehensive plan, then the facility must submit its own comprehensive plan. Comprehensive plan updates for these facilities shall include:

a. A service area description, including information about where the landfilled waste is generated, and an explanation of the process(es) in which the waste(s) is generated. This description and explanation shall:

- (1) Describe why the current management method was chosen; and
  - (2) Evaluate the environmental impact of this management method.
- b. A description of all waste(s) managed by the permitted facility, including:
- (1) Landfilled waste at the permitted sanitary disposal project, which includes:
    - 1. Annual tonnage of each type of waste(s) based upon the fiscal year; and
    - 2. Current waste composition. A breakdown by percentage of all waste(s) shall be included.
  - (2) The amount of waste reused or recycled.
  - (3) Projected tonnage spanning two planning cycles. This projection shall include supporting information and any assumptions used in the projections.
  - (4) Projected waste composition spanning two planning cycles. This projection shall include supporting information and any assumptions used in the projections.
  - (5) Units-of-production for the current fiscal year to normalize waste generation for changes in production in order to evaluate progress toward meeting the state's solid waste volume reduction and recycling goals.

c. Base year tonnage information (the later of fiscal year 1988 tonnage landfilled or first year in operation), including:

- (1) Only the waste(s) that is landfilled in the permitted monogenerator facility and not all waste(s) generated.
- (2) Units-of-production for the base year.
- d. Alternative analysis, which shall:
  - (1) Include details of how the waste(s) is recycled or reused.
  - (2) Describe the alternatives or other options that were explored or considered for each type of waste landfilled. If alternatives are not feasible at this time, information explaining why the alternatives are not feasible shall be provided.
  - (3) Indicate the opportunities that exist for source reduction of the waste(s).
  - (4) Indicate the opportunities that exist for recycling.
  - (5) Indicate the opportunities that exist for reuse of the waste(s).
- e. A report on other waste(s) managed at the facility, including but not limited to:
  - (1) A description of how other waste(s) is managed, including final disposal.
  - (2) A description of recycling programs employed.

*f.* Implementation time line spanning two planning cycles, which shall:

- (1) Outline plans for increasing recycling/reuse of waste and decreasing the amount landfilled.
- (2) Include planned activities spanning two planning cycles. Long-term projects should indicate milestones throughout the time span.

**101.13(6) Comprehensive plan updates for permitted incinerators.** If a permitted incinerator is not part of an existing comprehensive plan, then the facility must submit its own comprehensive plan. Comprehensive plan updates for these facilities shall include:

*a.* A service area description, including information about where the incinerated waste(s) is generated, and an explanation of the process(es) in which the waste(s) is generated. If applicable, certification that only infectious waste as defined by Iowa Code section 455B.501 is being treated. This description and explanation shall:

- (1) Describe why the current management method was chosen; and
- (2) Evaluate the environmental impact of this management method.

*b.* A description of all waste(s) incinerated at the permitted facility, including:

- (1) Annual tonnage of each type of waste(s) based upon the fiscal year; and
- (2) Current waste composition. A breakdown by percentage of all waste(s) incinerated shall be included.

*c.* Of the total amount of waste(s) generated, the following shall be included:

- (1) The amount of waste landfilled; and
- (2) The amount of waste reused or recycled.

*d.* Projected tonnage spanning two planning cycles. This projection shall include supporting information and any assumptions used in the projections.

*e.* Projected waste composition spanning two planning cycles. This projection shall include supporting information and any assumptions used in the projections.

*f.* Units-of-production for the current fiscal year to normalize waste generation for changes in production in order to evaluate progress toward meeting the state's solid waste volume reduction and recycling goals.

*g.* Base year tonnage information (the later of fiscal year 1988 tonnage landfilled or first year in operation), including:

- (1) Only the waste(s) that is incinerated at the permitted incineration facility and not all waste(s) generated.
- (2) Units-of-production for the base year.

*h.* Alternative analysis, which shall:

- (1) Include details of how the incinerated waste(s) is recycled or reused.
- (2) Describe the alternatives or other options that were explored or considered for each type of waste incinerated. If alternatives are not feasible at this time, information explaining why the alternatives are not feasible shall be provided.

(3) Indicate the opportunities that exist for source reduction of the waste(s).

(4) Indicate the opportunities that exist for recycling.

(5) Indicate the opportunities that exist for reuse of the waste(s).

*i.* A report on other waste(s) managed at the facility, including but not limited to:

- (1) A description of how other waste(s) is managed, including final disposal.
- (2) A description of recycling programs employed.

*j.* Implementation time line spanning two planning cycles, which shall:

- (1) Outline plans for increasing recycling/reuse of waste and decreasing the amount incinerated.
- (2) Include planned activities spanning two planning cycles. Long-term projects should indicate milestones throughout the time span.

**101.13(7) Comprehensive plan amendments.** If a sanitary disposal project or city or county requests to be included in a planning area after completion of an initial comprehensive plan or a comprehensive plan update but before the next comprehensive plan update is due, and the planning area participants agree to include the city, county, or sanitary disposal project, the following procedure is required:

a. A letter must be submitted to the department by the facility operator describing the facility's operation and the amount of waste to be managed, or by the city or county describing that local government's intention to participate in the specified comprehensive plan.

b. In a letter that must be submitted to the department, the planning agency must agree to accept the city, county, or sanitary disposal project in the planning agency's planning area and must state how the change will affect the planning area's waste stream, including an explanation of the change in the planning area, the amount of waste involved and details of waste reduction and recycling efforts that will be implemented in any new communities, if applicable.

c. The next comprehensive plan update submitted by the planning agency shall include the amended city, county, or sanitary disposal project.

d. If a city or county joins a planning area, a resolution must be submitted to the department stating the city's or county's commitment to the comprehensive plan of the planning area, and stating that the city or county will work to implement the comprehensive plan of the planning area.

**101.13(8)** *Failure to meet the 25 percent waste volume reduction and recycling goal.* If at any time the department notifies a planning agency in writing that the planning area has failed to meet the 25 percent waste volume reduction and recycling goal, then, at a minimum, the solid waste management techniques listed in Iowa Code section 455D.3(4) must be implemented throughout the planning area. Evidence of implementation of these solid waste management techniques shall be documented in comprehensive plan updates. The planning area shall:

a. Develop draft ordinances no later than 6 months after the date of the goal progress calculation approval letter issued by the department. Ordinances shall be enacted and implemented no later than 12 months after the date of issuance of the goal progress calculation approval letter. Local governments are charged with the responsibility for establishing collection fees that are based on volume or on the number of containers used for disposal by residents, and for submitting documentation of ordinance enactment and implementation.

Local governments shall set the maximum container limit for a base price service at or below 100 gallons of solid waste per household per week. If an ordinance has a base price service limit that is over 100 gallons of solid waste per household per week, communities will be required to justify how the ordinance has been designed to meet the state's waste volume reduction and recycling goals.

b. Conduct an educational and promotional program to inform citizens of the manner and benefits of reducing, reusing, and recycling materials and the procurement of products made with recycled content. The program shall include the following:

(1) Targeted waste reduction and recycling education for residents, including residents of multifamily dwelling complexes having five or more units.

(2) A seminar for the commercial sector regarding the benefits of and opportunities for waste reduction and recycling. The planning area shall provide a description of the methods used to encourage participation in the commercial recycling seminar and a list or count of the businesses attending.

(3) Promotion of recycling through targeted community and media events.

(4) Recycling notification and educational packets to all new residential, commercial, and institutional collection service customers that include, at a minimum, the manner of preparation of materials for collection and the reasons for separation of materials for recycling.

c. Notify the public of the planning area's failure to meet the waste volume reduction goals of this chapter.

(1) The planning area participants shall notify the public using the following standard language:

PUBLIC NOTIFICATION  
(insert NAME OF SOLID WASTE PLANNING AREA)

The Iowa General Assembly mandated that the amount of waste landfilled as of July 1, 1988, be reduced 25 percent by July 1, 1994, and 50 percent by July 1, 2000, through source reduction and recycling activities.

The (insert name of solid waste planning area) did not meet the state's 25 percent waste volume reduction and recycling goal and is now required to implement a number of waste management techniques. Because the (insert name of solid waste planning area) did not meet the 25 percent goal, landfill users will pay 50 cents per ton in addition to the state solid waste fee of \$4.25 per ton of material landfilled. This additional fee will be applied until the (insert name of solid waste planning area) demonstrates it has attained the goal. In contrast, those planning areas meeting the goal may subtract 60 cents per ton from the state solid waste fee.

The (insert name of solid waste planning area) must also do the following:

1. Develop draft ordinances to be used by local governments for establishing fees that are based on volume or on the number of containers used for disposal by residents;
2. Conduct an educational and promotional program to inform citizens of the manner and benefits of reducing, reusing, and recycling materials and the procurement of products made with recycled content.

Everyone—businesses, industries, schools, governments, and citizens—must work together to reduce the amount of valuable resources being landfilled.

To find out how you can help reduce waste and participate in the activities listed above, please contact (insert name of contact person) at (insert telephone number of contact person).

The (insert name of solid waste planning area) includes (insert names of participating local governments—cities and counties).

(2) The planning area participants shall notify the public using the following procedures:

1. Publication of the notice in not less than a one-quarter page format in a daily newspaper(s) of general circulation in each county within the planning area as soon as possible, or within 60 days from the date the department notifies the planning agency that it has failed to meet the 25 percent waste volume reduction and recycling goal.
2. If counties served by the planning area are not served by a daily newspaper(s) of general circulation, notice shall instead be given by publication in a weekly newspaper(s) of general circulation in each county within the planning area.

(3) The planning agency shall submit to the department, within 30 days from the date of publication of the public notice, proof of publication from the newspaper(s) used to satisfy this requirement.

*d.* For sanitary disposal projects required to remit state tonnage fees, require remittance of an additional 50 cents per ton to the department as outlined in subrule 101.14(3).

<sup>1</sup> Effective date of rescission of 101.13(1)“j”(4) delayed 70 days by the Administrative Rules Review Committee at its meeting held September 11, 2007.

### **567—101.14(455B,455D) Fees for disposal of solid waste at sanitary landfills.**

#### **101.14(1) Authority, purpose and applicability.**

*a. Authority.* Pursuant to Iowa Code section 455B.310, the department has authority to collect fees for the disposal of solid waste at sanitary landfills. All tonnage fees received by the department under this rule shall be deposited in the solid waste account of the groundwater protection fund created under Iowa Code section 455E.11(1).

*b. Purpose.* The purpose of this rule is to provide an orderly and efficient process for the assessment and collection of fees for the disposal of solid waste at a sanitary landfill. This rule clarifies the applicability of the fees and sets forth a fee schedule, means of filing, and record-keeping requirements.

*c. Applicability.* Except as provided in subrule 101.14(2), operators of all sanitary landfills located within Iowa and subject to the permitting requirements of the department shall pay a fee for each ton of solid waste disposed of in the landfill.

#### **101.14(2) Exclusions.**

*a.* The fees specified in subrule 101.14(3) do not apply to construction and demolition waste disposed of in an area of a sanitary landfill that has been designated exclusively for the disposal of

construction and demolition waste based on plans and specifications approved by the department; or to solid waste disposal facilities with special permit provisions which limit the site to the management of landscape waste and to disposal of coal combustion waste, cement kiln dust, construction and demolition waste and foundry sand; or to solid waste materials approved by the department for lining or capping or constructing berms, dikes or roads in the project.

*b.* Fees do not apply to wastes which will not be buried at a sanitary landfill if such material is salvaged or recycled in accordance with the provisions of the landfill permit.

**101.14(3)** *Fee schedule.*

*a.* The base tonnage fee is \$4.25 per ton of solid waste.

*b.* The statewide goal progress average is 36 percent, as determined by the department on July 1, 1999.

*c.* If at any time the department notifies a planning agency or sanitary disposal project(s) in writing that the planning area has failed to meet the 25 percent goal, all sanitary disposal projects within that planning area that are required to remit state tonnage fees shall collect an additional 50 cents per ton, in addition to the base tonnage fee starting with the next scheduled fee payment. All sanitary disposal projects within the planning area that are required to remit state tonnage fees shall remit to the department \$3.30 per ton for the tonnage fees collected, and the sanitary landfill operator(s) shall retain the remaining \$1.45 per ton. Of the tonnage fee retained by the sanitary landfill operator(s), 95 cents per ton is to be used for comprehensive plan implementation and 50 cents per ton is to be used for environmental protection activities and for comprehensive planning. Environmental protection activities include the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, the preparation of a financial plan, or other environmental protection activities. Moneys due to the department under this paragraph shall be remitted until such time as evidence of attainment of the 25 percent goal by the planning area is documented and approved in writing by the department.

*d.* If at any time the department notifies a planning agency and sanitary disposal project(s) in writing that the planning area has met or exceeded the 25 percent goal, all sanitary disposal projects within that planning area that are required to remit state tonnage fees shall reduce by 60 cents per ton the total amount of the base tonnage fee collected, starting with the next scheduled fee payment.

(1) If the planning area meets the 25 percent goal but is under the statewide average described in paragraph 101.14(3) "*b.*" all sanitary disposal projects within that planning area that are required to remit state tonnage fees shall remit to the department \$2.20 per ton for the tonnage fees collected, and the sanitary landfill operator(s) shall retain the remaining \$1.45 per ton. Of the tonnage fee retained by the sanitary landfill operator(s), 95 cents per ton is to be used for comprehensive plan implementation and 50 cents per ton is to be used for environmental protection activities and for comprehensive planning. Environmental protection activities include the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, the preparation of a financial plan, or other environmental protection activities. Moneys due to the department under this paragraph shall be remitted until such time as evidence of a change in the planning area's progress toward meeting the state's waste volume reduction and recycling goals is documented and approved in writing by the department.

(2) If the planning area meets the 25 percent goal and exceeds the statewide average described in paragraph 101.14(3) "*b.*" all sanitary disposal projects within that planning area that are required to remit state tonnage fees shall remit to the department \$2.10 per ton for the tonnage fees collected, and the sanitary landfill operator(s) shall retain the remaining \$1.55 per ton. Of the tonnage fee retained by the sanitary landfill operator(s), \$1.05 per ton is to be used for comprehensive plan implementation and 50 cents per ton is to be used for environmental protection activities and for comprehensive planning. Environmental protection activities include the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, the preparation of a financial plan, or other environmental protection activities. Moneys due to the department under this paragraph shall be remitted until such

time as evidence of a change in the planning area's progress toward meeting the state's waste volume reduction and recycling goals is documented and approved in writing by the department.

*e.* If at any time the department notifies a planning agency or sanitary disposal project(s) in writing that the planning area has met or exceeded the 50 percent goal, all sanitary disposal projects within that planning area that are required to remit state tonnage fees shall reduce by \$1.00 per ton the total amount of the base tonnage fee collected, starting with the next scheduled fee payment. All sanitary disposal projects within the planning area that are required to remit state tonnage fees shall remit to the department \$1.95 per ton for the tonnage fees collected, and the sanitary landfill operator(s) shall retain the remaining \$1.30 per ton. Of the tonnage fee retained by the sanitary landfill operator(s), 80 cents per ton is to be used for comprehensive plan implementation and 50 cents per ton is to be used for environmental protection activities and for comprehensive planning. Environmental protection activities include the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, the preparation of a financial plan, or other environmental protection activities. Moneys due to the department under this paragraph shall be remitted until such time as evidence of a change in the planning area's progress toward meeting the state's waste volume reduction and recycling goals is documented and approved in writing by the department.

Table 1 sets forth the solid waste tonnage fee schedule.

Planning areas with less than 25% diversion level:	
Collect	\$4.75 per ton
Remit	\$3.30 per ton to the department
Retain	\$1.45 per ton (\$0.95 per ton for implementing planning, \$0.50 per ton for environmental protection, comprehensive plan development and implementation)
Planning areas over 25% diversion, under the state average, and under 50%:	
Collect	\$3.65 per ton
Remit	\$2.20 per ton to the department
Retain	\$1.45 per ton (\$0.95 per ton for implementing planning, \$0.50 per ton for environmental protection, comprehensive plan development and implementation)
Planning areas over 25% diversion, over the state average, and under 50%:	
Collect	\$3.65 per ton
Remit	\$2.10 per ton to the department
Retain	\$1.55 per ton (\$1.05 per ton for implementing planning, \$0.50 per ton for environmental protection, comprehensive plan development and implementation)
Planning areas over 50% diversion:	
Collect	\$3.25 per ton
Remit	\$1.95 per ton to the department
Retain	\$1.30 per ton (\$0.80 per ton for implementing planning, \$0.50 per ton for environmental protection, comprehensive plan development and implementation)

*f.* Retained tonnage fees collected pursuant to this subrule shall be approved by the department and used for implementation of programs and services designed to satisfy the requirements of this chapter.

*g.* For purposes of calculating tonnage fees, sanitary landfills shall utilize scales and shall base the fee assessment on the net scale weight of solid wastes disposed of at the landfill during the reporting period.

*h.* If special conditions existing at a sanitary landfill make it impractical to use the landfill's scales to determine waste tonnages, the landfill may propose, for department review and approval, an alternate method for determining the weight of disposed solid waste.

**101.14(4) Form, manner, time and place of filing.**

*a. Form.* Any person to whom or entity to which this rule applies shall file a completed DNR Form 542-3276, Quarterly Solid Waste Fee Schedule and Retained Fees Report.

*b. Manner, time and place.* Fees are to be paid on a quarterly basis. Sanitary landfills serving more than one planning area, as expressed in rule 101.12(455B,455D), shall submit separate Quarterly Solid Waste Fee Schedule and Retained Fees Reports for each planning area. The fees and report on retained fees will be due January 1, April 1, July 1, and October 1 for the quarters ending September 30, December 31, March 31, and June 30, respectively. The completed form shall be submitted with the appropriate fees to Accounting, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319.

**101.14(5) Reporting and record keeping.**

*a. Operating records.* Those sanitary landfill operators who are subject to the fee assessment requirements of this rule shall maintain adequate records to determine and document the weight of solid waste received at and disposed of in the sanitary landfill during the calendar year. Planning areas entering into an agreement pursuant to Iowa Code Supplement section 455B.306(2) shall submit documentation to the department and a planning area receiving the solid waste under such an agreement shall, in addition, submit evidence to the department demonstrating that required retained fees were returned in a timely manner to other planning area(s) under the agreement.

*b. Retention of records.* All records used in determining the solid waste fee assessment must be kept for a period of at least three years from the end of the calendar year which the records represent.

*c. Availability of records.* All records required under this rule must be furnished upon request and be made available at all reasonable times for inspection to any officer, employee, or representative of the department who is duly designated by the director.

**101.14(6) Failure to pay fees.** If it is found that a person or entity has failed to pay the fees assessed by this rule, the director shall enforce the collection of the delinquent fees. A person or entity required to pay fees as required by Iowa Code section 455B.310 that fails or refuses to pay the fees by the due date shall be assessed a penalty of 2 percent of the quarterly fee due, to be assessed on January 2, April 2, July 2, and October 2, and on a monthly basis on the first day of each month thereafter, until paid. A person or entity required to retain fees as required by Iowa Code section 455B.310 that fails or refuses to report the use of the retained fees by the due date shall be assessed a penalty of 2 percent of the retained fees due to the department, with said penalty to be assessed on January 2, April 2, July 2, and October 2, and on a monthly basis on the first day of each month thereafter, until paid. All penalties shall be paid in addition to the fees due.

These rules are intended to implement Iowa Code sections 455B.304, 455B.306, and 455D.7.

[Filed 9/1/74; amended 2/13/74, 6/2/75]

[Filed 2/25/77, Notice 9/22/76—published 3/23/77, effective 4/27/77]

[Filed 9/28/79, Notice 5/30/79—published 10/17/79, effective 11/21/79]

[Filed 4/23/81, Notice 2/18/81—published 5/13/81, effective 6/17/81]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 8/24/84, Notice 5/9/84—published 9/12/84, effective 10/18/84]<sup>1</sup>

[Filed emergency 11/14/86—published 12/3/86, effective 12/3/86]

[Filed 12/23/88, Notice 10/19/88—published 1/11/89, effective 2/15/89]

[Filed 8/31/89, Notice 5/17/89—published 9/20/89, effective 10/25/89]

[Filed 3/30/90, Notice 11/15/89—published 4/18/90, effective 5/23/90]

[Filed 6/22/90, Notice 4/18/90—published 7/11/90, effective 8/15/90]

[Filed 5/22/92, Notice 3/18/92—published 6/10/92, effective 7/15/92]

[Filed 12/30/93, Notice 8/18/93—published 1/19/94, effective 2/23/94]

[Filed 10/20/95, Notice 8/16/95—published 11/8/95, effective 12/13/95]

[Filed 3/30/01, Notice 11/15/00—published 4/18/01, effective 5/23/01]  
[Filed 5/18/05, Notice 3/16/05—published 6/8/05, effective 7/13/05]  
[Filed 1/27/06, Notice 11/9/05—published 2/15/06, effective 3/22/06]  
[Filed 6/14/07, Notice 12/6/06—published 7/4/07, effective 10/1/07]<sup>2</sup>

<sup>1</sup> Rules 101.4 and 101.7 rescinded, rules 101.5, 101.6 and 101.8 renumbered as 101.4 to 101.6, IAB 9/12/84.

<sup>2</sup> Effective date of rescission of 101.13(1)“j”(4) delayed 70 days by the Administrative Rules Review Committee at its meeting held September 11, 2007.